

No. 23-40582

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Honorable Terry Petteway; Honorable Derrick Rose; Honorable
Penny Pope,

Plaintiffs - Appellees

v.

Galveston County, Texas; Mark Henry, *in his official capacity as
Galveston County Judge*; Dwight D. Sullivan, *in his official capacity
as Galveston County Clerk*,

Defendants - Appellants

United States of America,

Plaintiff - Appellee

v.

Galveston County, Texas; Galveston County Commissioners Court;
Mark Henry, *in his official capacity as Galveston County Judge*,

Defendants - Appellants

Dickinson Bay Area Branch NAACP; Galveston Branch NAACP;
Mainland Branch NAACP; Galveston LULAC Council 151; Edna
Courville; Joe A. Compian; Leon Phillips,

Plaintiffs - Appellees

v.

Galveston County, Texas; Mark Henry, *in his official capacity as
Galveston County Judge*; Dwight D. Sullivan, *in his official capacity
as Galveston County Clerk*,

Defendants - Appellants

On appeal from the United States District Court
for the Southern District of Texas

USDC Nos. 3:22-CV-00057, 3:22-CV-00093, 3:22-CV-00117

**APPELLANTS' MOTION FOR
LEVEL 1 EXTENSION OF TIME TO FILE BRIEF**

Pursuant to Federal Rules of Appellate Procedure 27.4 and Fifth Circuit Rules 27.4 and 31.4, Appellants Galveston County, Texas, Mark Henry, in his capacity as Galveston County Judge, and Dwight Sullivan, in his capacity as Galveston County Clerk, respectfully request that the Court grant a seven-day extension of time in which to file their supplemental en banc brief, which is currently due on January 8, 2024. Counsel for Appellants has conferred via e-mail with counsel for Appellees, who at the time of the filing of this motion have not responded with their position on this motion. This is Appellants' first request for an extension of time in which to file their supplemental en banc brief. If granted, the new deadline will be January 15, 2024.

This extension is not sought for delay, and good cause exists for this request. During the time in which Appellants' supplemental brief has come due, in addition to the Christmas and New Year holidays, counsel for Appellants has been engaged in other litigation, including preparing and filing Appellant's opening Brief in *Diamond Hydraulics, Inc. v. GAC Equipment, LLC d/b/a Austin Crane Service*, No. 03-23-00368-CV, before the Court of Appeals, Third District of Texas, on December 8, 2023, and Appellants' Reply Brief in *Flamingo Isles Marina, LP; HD Flamingo Isles Holdings, LP; HDFI Land Holdings, LP; and Flamingo Isles GP, LLC v.*

Harborwalk Resort, LP, No. 14-23-00173-CV, before the Court of Appeals, Fourteenth District of Texas, on December 27, 2023.

Appellants therefore respectfully request that the Court grant a seven-day extension of time in which to file its supplemental brief, until January 15, 2024.

Respectfully Submitted,

PUBLIC INTEREST LEGAL
FOUNDATION

Joseph M. Nixon
Federal Bar No. 1319
Tex. Bar No. 15244800
J. Christian Adams
South Carolina Bar No. 7136
Virginia Bar No. 42543
Maureen Riordan
New York Bar No. 2058840
107 S. West St., Ste. 700
Alexandria, VA 22314
jnixon@publicinterestlegal.org
jadams@publicinterestlegal.org
mriordan@publicinterestlegal.org
713-550-7535 (phone)
888-815-5641 (facsimile)

GREER, HERZ & ADAMS, L.L.P.

By: /s/ Angela K. Olalde
Joseph Russo (Lead Counsel)
Fed. ID No. 22559
State Bar No. 24002879
jrusso@greerherz.com
Jordan Raschke
Fed. ID No. 3712672
State Bar No. 24108764
jraschke@greerherz.com
1 Moody Plaza, 18th Floor
Galveston, TX 77550-7947
(409) 797-3200 (Telephone)
(866) 422-4406 (Facsimile)

Angie Olalde
Fed. ID No. 690133
State Bar No. 24049015
2525 S. Shore Blvd. Ste. 203
League City, Texas 77573
aolalde@greerherz.com
(409) 797-3262 (Telephone)
(866) 422-4406 (Facsimile)

Counsel for Appellants

CERTIFICATE OF CONFERENCE

I certify that I have contacted counsel for Appellees regarding the substance of the relief requested in this motion, who at the time of the filing of this motion have not responded with their position on the requested relief.

/s/ Angela K. Olalde
Counsel for Appellants

**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT,
TYPEFACE REQUIREMENTS, AND TYPE-STYLE REQUIREMENTS**

1. This document complies with the word limit of Fed. R. App. P. 27(d)(2) because, excluding any documents exempted by Fed. R. App. P. 27(a)(2)(B), this document contains 268 words.

2. This document complies with the typeface and type style requirements of Fed. R. App. P. 27(d)(1) and Fed. R. App. P. 32(a)(5)–(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word 2016 in Times New Roman 14-point font.

/s/ Angela K. Olalde
Counsel for Appellants

Dated: January 2, 2024

CERTIFICATE OF SERVICE

I certify that, on January 2, 2024, this document was electronically served on all counsel of record in this case in accordance with the Federal Rules of Appellate Procedure.

/s/ Angela K. Olalde
Counsel for Appellants